

A

REVIEW OF THE STATE OF THE BRITISH NATION.

Saturday, December 24. 1709.

IN the late Accounts I have given of the pretended Persecutions in Scotland, it has been very natural, in order to clear up the Reputation of the present Government there, from the Scandal of Persecution, to enter a little into the Treatment, which as well the Civil as Ecclesiastick Government in Scotland, meets with from that Party; and in doing this, besides Cases relating to particular Persons, it is necessary to observe, what may be call'd a new Plot against the Life, Foundation, and most essential Branch of the Constitution of the Church of Scotland, I mean, as it respects its Civil Rights and Jurisdiction.

This is a new Method just now taken up in Scotland, to APPEAL upon every Occa-

sion of Process, from the Church Judicaries to the Queen and Parliament; the Absurdity of which, its particular Weakness, and its Inconsistency, either with the Laws, or with the Nature of the Thing call'd an APPEAL, is so obvious, that I cannot but wonder to see, that any People in either Nation should be so much as amus'd with it.

I am not going to lessen the Authority of a British Parliament, and it's well known, that a British Parliament will not seek to extend that Authority beyond its known and due Bounds; and therefore I shall examine this Matter, tho' a very nice One, with the more Freedom.

And

And First, to begin with the Matter of *Fact*, I shall state the Thing I object against as it is now put in Practice in Scotland upon the Occasion of the Episcopal Ministers and Heretors being cited and summon'd, as Occation requires, before the respective Judicatories of the Church of Scotland. When a Person in these Circumstances is cited to appear, whether it be before the Kirk-Session, Presbytery, or Synod, he gives or sends in what they call a Declination, and, which in England we would call a *Defiance* of their Authority; tells them, their Power is not competent, that they are none of his Judges, and that therefore he refuses to answer to such Things as they lay to his Charge, and concludes in the first Person in these Words; and therefore I appeal from You to the Queen and British Parliament.

Then, as if this was sufficient to stop their Mouths, and tye their Hands, they go on with their Invasions, Intrusions, and Innovations, as if the Words, *I appeal from You, &c.* were sufficient to put a full Stop to all the Methods of Justice, and Proceedings in any of the Ecclesiastick Courts whatsoever, tho' at the same time no such Appeal is, or, I think, can be receiv'd or lodg'd in the House of Peers: This has been exactly the Case of Mr. Skinner of Breckin, Hedervig of Aberdeen, and others, who ride upon the Back of the Church Judicatories, think they lash them with this Whip, and in Spight of their Power keep Possession by Force, and insult both them and the Laws of Scotland; the one maintaining his Intrusion into a Parish-Church, Manse, Glebe, Stipend, &c. tho' depos'd by the Synod; and the other the Common-prayer, with Organs, never before known in Scotland, in the Chapel of the Colledge of Aberdeen. Now, to desie Courts of Justice, to decline Powers establish'd by Parliament, to keep wrongful Possession of other Mens Rights, and erect a Worship unknown in the Country, tho' they are in themselves unaccountable, yet I shall take no Notice of them here; but to do all this, and yet appeal to the Parliament, by whom these Courts are establish'd, and the Queen, by whom that Establishment is supported, is

the greatest Piece of Assurance, to say no worse of it, that can be shown in our Age.

And First, to speak of the Courts from whence they appeal; it is evident, they are all establish'd by Parliament. For Example, in the 5th Act of the 1st Parliament of William and Mary, it is Enacted, " That the Government of the Church, by Kirk-Session, Presbyteries, and Assemblies, be and is hereby establish'd to be the ONLY Lawful Government of the Church in all Times coming, and declaring the Church Government to be establish'd in the Hands of the Presbyterian Ministers, restor'd by the 2d Act of the same Parliament; and by them; and such Ministers or Elders ONLY, as they had then admitted or receiv'd, or should thereafter admit or receive, Ratifying and Establishing the 114th Act of the 17th Parliament, Jac. 6. Anno 1592. Entitl'd, *The Ratification of the Liberty of the true Kirk, and confirming the Sentences, whether of Suspension or Deposition, which shall be pronounced by the said Judicatories.*" Thus it is evident, the present Judicatories of the Church of Scotland are establish'd by Parliament; and therefore to decline or deny their Authority, is to deny the Authority of that Parliament which constituted them.

If they had appeal'd from the Proceedings of any of these Judicatories, as inconsistent with their own Authority, or against the Sentence of the said Judicatories, as Exorbitant or Illegal, *the Case had differ'd*; and of that Kind of Appealing I shall speak by it self: But to appeal from the Jurisdiction, is to appeal from the Jurisdiction of Parliament, by whom they were establish'd; and to call this Appealing, is to talk Nonsense, since it is but Appealing from Parliament to Parliament.

As for the Pretence, that the Judicatories of the Church are not Judges competent over the Episcopal Ministers, this is also directly against the 5th Act of the First Parliament of William and Mary, Entitl'd, *All Ratifying the Confession of Faith, &c.* by which it is expressly declar'd otherwise: " And further it is hereby provided, That whatsoever Minister being conven'd before the said General Meeting and Representatives

" presentatives

" presentatives of the *Presbyterian* Ministers and Elders, or the Visitors to be appointed by them, shall either prove contumacious in not appearing, or be found guilty, and shall be therefore censur'd, whether by Suspension or Deposition, they shall be *Ipsa facta* suspended from, or depriv'd of their Stipends and Benefits." By all these Quotations it appears, that the Power of the *Judicatures*

of the Church of Scotland is settled and establish'd by Law, nor can it be legally declin'd or disown'd by any Minister, that pretends to exercise the Ministerial Office in that Part of *Britain*, much less by any of those who possess and enjoy the Churches, Manses, and Stipends thereof.

I shall further examine this Article in my next.

M I S C E L L A N E A.

I lately gave you some Paradoxes as a Specimen of this wonderful Age; I promis'd you some nearer home, I am coming to them gradually, and indeed our Age is full of them at home, as well as abroad. In *Trade*, in *Politicks*, in *Parties*, in *Peace*, in *War*, in every Thing that is before you; Riddles and *Ænigma's* throng on the Heels of one another— Who can unfold them? But you must allow me to go back a little at first.

1. Here are a Sort of Folk earnest to keep out Foreigners, that *Want* of People may enrich us.

2. Here is *Industry* a-la-mode illustrated, by neglecting to improve our Lands our selves, and refusing to let others do it for us.

3. Here is *True-Born-English Good Nature* exemplify'd—By insulting Strangers when they come to settle among us, because We or our Ancestors were never Strangers here—and never got *Footing* here a-la-mode Invaders and Refugees.

4. Here we have a new Method of securing the *Trade* to *Africa*, by letting the French take our Factories there—while we are falling out about the main Question, Whether they are worth keeping or no?

5. Here is English *Humanity* abundantly visible, in the several Acts against Bankrupts, and especially that of *Escape-Warrants*, by which about 230 People have, they say, been put to Death in *England*, within these six Years, BY *IMMURING*, a more

barbarous Execution, than that of General *PATKUL*.

6. Here is a new fashion'd Care of *Souls*, by denying poor Debtors the Liberty of going to Church, by appointing the Murthering-Warrants to be executed on the Lord's Day—A Day in all Ages allow'd to give poor miserable Bankrupts Liberty to worship *GOD* in, that the Duty of the Day might be without Distraction; a Cruelty particular to this Age.

7. Priviledg'd Places suppress'd; (*Viz.*) The *Mist*, *Rules*, and *Eryars*, &c. and the CHURCH all laid open to Arrests, while the QUEEN's Palace, and the Lawyers Chambers, remain Sanctuaries; since it cannot be so necessary to Men in Debt to serve *GOD*, as to other People.

8. Here we have Occasional condemn'd, that stated Conformity may be refus'd—And these People blaming the *Dissenters* for coming to Church, *one in part*, who would think themselves ruin'd, if they should come for altogether.

9. Here is Religion prostituted, a Paradox farther to be underflood, by reading the Act for the Sacramental Test.

10. High-Church of *England* Equivalent—refusing to admit *Presbyterians* to Places in *England*, unless they conform to communicate with the Church—But railing at the Scots, because they refuse the Church of *England*-Men there, to set up a Dissenting Meeting-House for the Common-Prayer.

I am loth to surfeit you, Gentlemen, with Paradoxes, but let any Man tell me, if this be not an Age of Riddles? If Esquire Bickerstaff, or any of the Learned, will please to unriddle some of them, his most Obedient Servant, the REVIEW, shall give him humble Praise. I shall still draw nearer home in my next — And the nearer I come to the present Time, the more astonishing will be the Wonders I am to relate; which, I hope, will be allow'd to pass for a Proof, that the Age improves in the Blessing of being Most —

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